

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF RUSSELL H.
FALCONER IN SUPPORT OF
FACEBOOK, INC.'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
CERTAIN EXHIBITS IN SUPPORT OF
OPPOSITION OF FACEBOOK, GIBSON,
DUNN & CRUTCHER, AND ORIN
SNYDER TO PLAINTIFFS' MOTION FOR
SANCTIONS**

I, Russell H. Falconer, hereby declare as follows:

1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Facebook, Inc. (“Facebook”) in the above-captioned matter. I am a member in good standing of the State Bar of Texas. I submit this declaration in support of Facebook’s Administrative Motion To File Under Seal Certain Exhibits In Support Of Opposition Of Facebook, Gibson, Dunn & Crutcher LLP, And Orin Snyder To Plaintiffs’ Motion For Sanctions. I make this declaration on my own knowledge, and I would testify to the matters stated herein under oath if called upon to do so.

2. **Exhibit 41** to the Declaration of Deborah Stein (“Stein Declaration”) contains confidential information regarding the names, architecture, functions, and contents of certain Facebook data systems that may interact with user data. I understand that public disclosure of this information could disclose where certain Facebook user data is stored and could potentially harm Facebook and its users by providing a roadmap to bad actors seeking access to Facebook’s internal systems that interact with user data. I also understand that Facebook’s competitors could use this information to learn more about Facebook proprietary data systems and technical operations, which Facebook developed at its expense, to Facebook’s competitive disadvantage.

3. Exhibit 41 to the Stein Declaration contains a guide for Facebook engineers on the DYI tool. This document contains technical details and instructions to Facebook engineers regarding building and maintaining the DYI tool, such as how to add data to DYI, where data should be stored in the DYI taxonomy, and the DYI data schema fields. I understand that the DYI tool was developed by Facebook at significant expense and that the engineering guide reveals confidential information regarding Facebook’s technical capabilities and internal engineering practices that, if publicly disclosed, could be used by Facebook’s competitors to

improve their own methods and processes or build competing products on the back of Facebook's work.

4. Exhibit 41 to the Stein Declaration also contains a table that details confidential information describing specific data processing tasks, including confidential and sensitive information on the length of time to run each task and the inputs and outputs of each task. I understand that this specific granular-level information, if publicly disclosed, could be used by Facebook's competitors to learn more about Facebook's data processing capabilities to Facebook's competitive disadvantage. I also understand that bad actors could use this sensitive information to learn more about Facebook's technical capabilities and the activity on Facebook's data systems.

5. Exhibit 41 contains the names of certain Facebook employees who are the most knowledgeable about specific data systems that may interact with user data. I understand that public disclosure of this information may encourage competitors to poach these critical employees and could also encourage bad actors to target these individuals in efforts to breach Facebook's security and access these data systems that interact with user data.

6. Exhibit 41 also contains details of a data set that Facebook acquires and how Facebook uses that data set to enhance its products. Ex. 41 at 3 of Ex. B. I understand that this information is proprietary and, if publicly disclosed, could be used by Facebook's competitors to mimic Facebook's use of this data and improve their own products, to Facebook's competitive disadvantage.

7. A true and correct **redacted** copy of **Exhibit 7** to the Declaration of Deborah Stein In Support of Opposition Of Facebook, Inc., Gibson, Dunn & Crutcher LLP, And Orin Snyder To Plaintiffs' Motion For Sanctions ("Stein Declaration") is attached hereto.

8. A true and correct **unredacted** copy of **Exhibit 7** to the Stein Declaration is attached hereto.

9. A true and correct **redacted** copy of **Exhibit 8** to the Stein Declaration is attached hereto.

10. A true and correct **unredacted** copy of **Exhibit 8** to the Stein Declaration is attached hereto.

11. A true and correct **redacted** copy of **Exhibit 9** to the Stein Declaration is attached hereto.

12. A true and correct **unredacted** copy of **Exhibit 9** to the Stein Declaration is attached hereto.

13. A true and correct **redacted** copy of **Exhibit 20** to the Stein Declaration is attached hereto.

14. A true and correct **unredacted** copy of **Exhibit 20** to the Stein Declaration is attached hereto.

15. A true and correct **redacted** copy of **Exhibit 22** to the Stein Declaration is attached hereto.

16. A true and correct **unredacted** copy of **Exhibit 22** to the Stein Declaration is attached hereto.

17. A true and correct **redacted** copy of **Exhibit 23** to the Stein Declaration is attached hereto.

18. A true and correct **unredacted** copy of **Exhibit 23** to the Stein Declaration is attached hereto.

19. A true and correct **redacted** copy of **Exhibit 25** to the Stein Declaration is attached hereto.

20. A true and correct **unredacted** copy of **Exhibit 25** to the Stein Declaration is attached hereto.

21. A true and correct **redacted** copy of **Exhibit 26** to the Stein Declaration is attached hereto.

22. A true and correct **unredacted** copy of **Exhibit 26** to the Stein Declaration is attached hereto.

23. A true and correct **redacted** copy of **Exhibit 29** to the Stein Declaration is attached hereto.

24. A true and correct **unredacted** copy of **Exhibit 29** to the Stein Declaration is attached hereto.

25. A true and correct **redacted** copy of **Exhibit 32** to the Stein Declaration is attached hereto.

26. A true and correct **unredacted** copy of **Exhibit 32** to the Stein Declaration is attached hereto.

27. A true and correct **redacted** copy of **Exhibit 35** to the Stein Declaration is attached hereto.

28. A true and correct **unredacted** copy of **Exhibit 35** to the Stein Declaration is attached hereto.

29. A true and correct **redacted** copy of **Exhibit 36** to the Stein Declaration is attached hereto.

30. A true and correct **unredacted** copy of **Exhibit 36** to the Stein Declaration is attached hereto.

31. A true and correct **redacted** copy of **Exhibit 38** to the Stein Declaration is attached hereto.

32. A true and correct **unredacted** copy of **Exhibit 38** to the Stein Declaration is attached hereto.

33. A true and correct **redacted** copy of **Exhibit 41** to the Stein Declaration is attached hereto.

34. A true and correct **unredacted** copy of **Exhibit 41** to the Stein Declaration is attached hereto.

35. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 11, 2022 in Dallas, Texas.

/s/ Russell H. Falconer

Russell H. Falconer